IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1874 OF 2006

Dharmendra Sukanya Kale ...Applicant

V/s

The State of Maharashtra ...Respondent.

Mr. K.S. Patil for the applicant.
Ms. M.H. Mhatre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 4th May, 2006

P.C.

1. The grievance of the applicant is that the Additional Sessions Judge, Islampur has directed that the applicant should be released on bail subject to the applicant furnishing solvent surety to the tune of Rs 40,000/- and cash security in the sum of Rs 40,000/-. It is submitted that the condition which is imposed by the Additional Sessions Judge is highly excessive and the applicant is not in a position to furnish cash surety of Rs 40,000/- and solvent surety of Rs 40,000/-

2. The Supreme Court in the case of Moti Ram and others vs. State of Madhya Pradesh reported in **AIR 1978 SC 1594** has held that such conditions which are

impossible to perform should not be imposed while granting bail as it practically amounts to denying the bail.

3. In view of this, the order passed by the Additional Sessions Judge, Islamapur is modified. The applicant may be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount.

4. Application is accordingly disposed of.

V.M. KANADE, J.